

**Staff
Summary
Report**



**To: Mayor & City Council
Through: City Manager**

**Agenda Item Number 23
Meeting Date 08/09/01**

SUBJECT: ORDINANCE FOR INTRODUCTION

PREPARED BY: JIM CRISTEA, ENGINEERING MANAGER, LAND SERVICES (x8417)

REVIEWED BY: NEIL MANN, DEPUTY PW MANAGER/CITY ENGINEER (x8250)

BRIEF: Set a public hearing for **September 13, 2001**, and **September 20, 2001**, to abandon a portion of excess City right-of-way.

COMMENTS: **ABANDONMENTS (0901) ORDINANCE NO. 2001.22** Set a public hearing for **September 13, 2001**, and **September 20, 2001**, to abandon a portion of excess City right of way at the northwest corner of Beck Avenue and University Drive, in exchange for Benton-Robb's conveyance of 14 feet of additional right-of-way along University Drive.

Document Name: (20010809PWDR05) Supporting Documents: Yes

SUMMARY: The City of Tempe is abandoning a portion of Beck Avenue adjacent to the Benton-Robb development (at the northwest corner of Beck Avenue and University Drive) in exchange for Benton-Robb's conveyance of 14 feet of additional right-of-way along University Drive. Development Services had agreed that the existing 41 feet of University Drive right of way was sufficient for this development's approval. With this abandonment, the University Drive right of way will be increased to allow flexibility for future improvements along the University corridor. The value of the parcels is considered similar. Staff supports the land exchange.

RECOMMENDATION:

That the City Council hold a public hearing and adopt Ordinance No. 2001.22 and authorize the Mayor to execute any necessary documents.

Approved by: Howard C. Hargis, Public Works Manager

ORDINANCE NO. 2001.22

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF
TEMPE, ARIZONA, ABANDONING A PORTION OF RIGHT-
OF-WAY AT THE NORTHWEST CORNER OF BECK
AVENUE AND UNIVERSITY DRIVE, TEMPE, ARIZONA

WHEREAS, it has been determined that the City of Tempe owns certain real
property as described herein on Exhibits "A" and "A-1", and,

WHEREAS, the excess right of way is not required by the City of Tempe, and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE
CITY OF TEMPE, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:

SECTION I. That the City of Tempe does hereby abandon, relinquish and
vacate a portion of excess right of way for Beck Avenue as delineated on Exhibits "A" and "A-1"
attached hereto.

SECTION II. That all rights of the City in that portion of the right of way shall
vest in the record owner(s) to immediate west of the subject property, and shall be subject to the
same encumbrances, liens, limitations, restrictions, and estates as may currently exist on the land.

SECTION III: That the abandonment of the excess right of way is specifically conditioned upon: 1) The vested property owner(s) to the immediate west will dedicate 14 feet of additional right of way for University Drive adjacent to their proposed development. Total right of way width at this location shall be 55 feet. 2) The owners of the property agree to relocate any and all affected utilities lying within the abandoned Beck Avenue right of way at their expense and with the approval of the affected utility.

SECTION IV: That the Mayor is hereby authorized to execute any documents that may be necessary to carry out the provisions of this Ordinance.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TEMPE,

ARIZONA this _____ day of _____, 2001.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

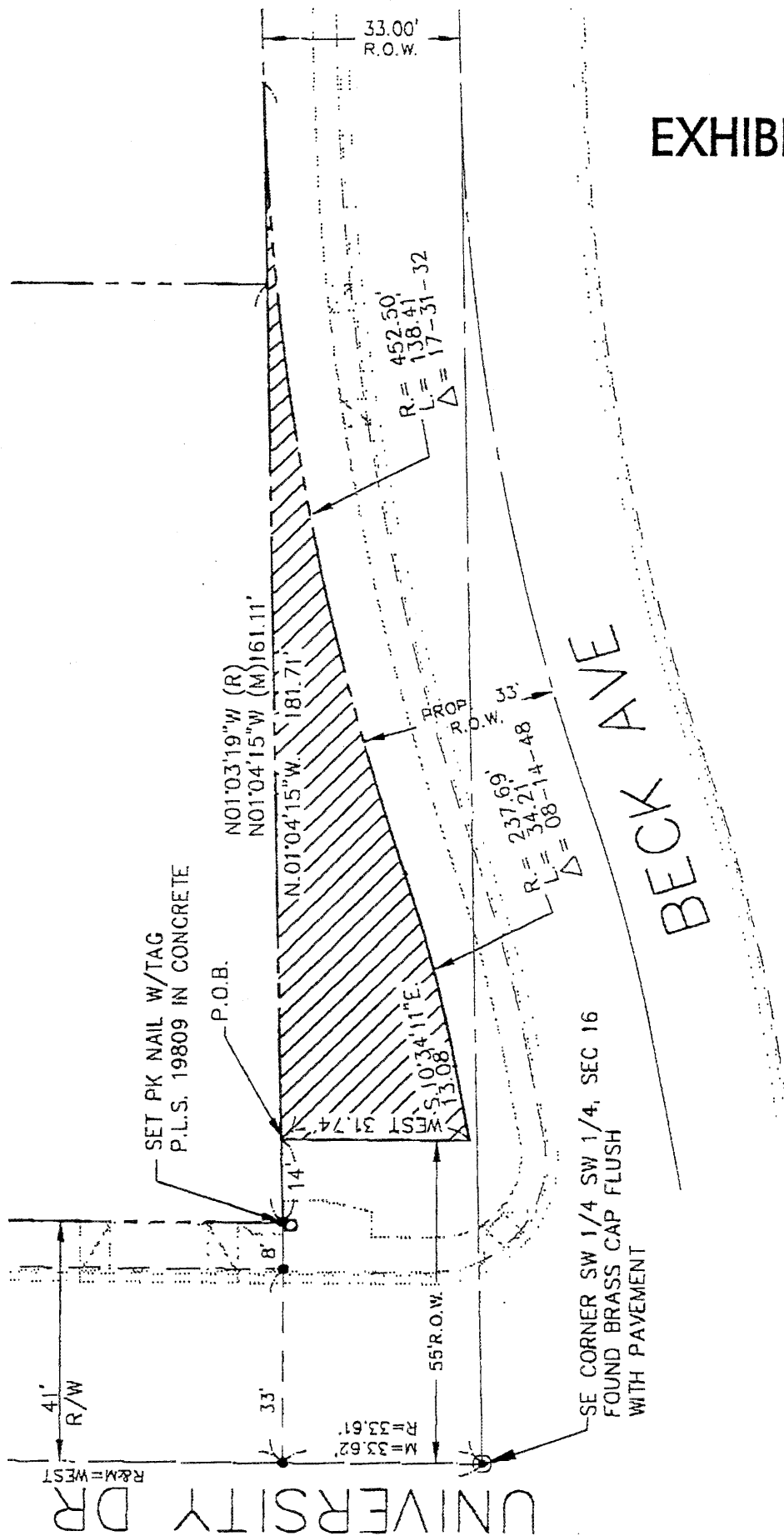
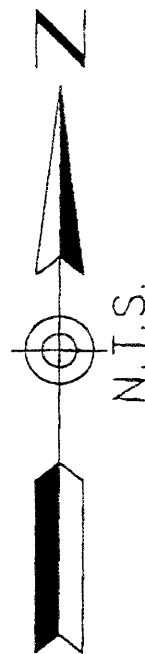


EXHIBIT A-1

AREA: = 2229 SF.
= 0.0512 AC.



BROOKS, HERSEY & ASSOCIATES, INC.
ENGINEERS/SURVEYORS
4802 E. ELWOOD STREET, 10
Phoenix, Arizona 85040
Phone (802) 437-3733
Fax (480) 858-0204